

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Proposed Changes in the Commission's)	ET Docket No. 03-137
Rules Regarding Human Exposure to)	
Radiofrequency Electromagnetic Fields)	

To: The Commission

**REPLY COMMENTS OF PCIA - THE WIRELESS INFRASTRUCTURE
ASSOCIATION**

PCIA – The Wireless Infrastructure Association submits these Reply Comments on behalf of its members in the above-referenced proceeding. PCIA is the principal trade association representing the wireless telecommunications and broadcast infrastructure industry. PCIA's members own or manage more than 50,000 telecommunications towers and other structures that support digital and broadband services across the country. In the digital wireless age, towers and other structures are the indispensable infrastructure supporting the wireless networks on which much of our country's economy, public safety and national security depend.

PCIA commends the Commission for undertaking this proceeding. Ensuring that the public is appropriately protected from any potential adverse effects from RF exposure, while relieving industry from any unnecessary burden in complying with the Commission's RF exposure rules,¹ are key factors in the success of wireless

¹ See *Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields, Notice of Proposed Rulemaking, ET Docket No. 03-137, FCC 03-132 (rel. June 26, 2003)* ¶ 1.

infrastructure deployment and, ultimately, in the quality of wireless services provided to the American people. PCIA echoes T-Mobile's comments in this proceeding in supporting the Commission's proposals, because, ideally, the proposed changes "will increase the level of public confidence in the safety of workers and the public[.]"² PCIA joins T-Mobile in urging the Commission to continue to leverage its position of authority and expertise in the area of RF emissions to explain and emphasize to policy makers and to the public that "wireless transmitters typically pose no danger to human health from excessive RF exposure, and that the Commission's guidelines, both current and proposed, incorporate huge margins of safety."³

The matter of RF emissions is a priority of the wireless infrastructure industry. Increasingly, it has been PCIA's experience that issues surrounding RF emissions – interference-related⁴ and health-related – are being raised in local zoning and other proceedings to delay and, occasionally, thwart infrastructure deployment. Unfortunately, public concern over health effects of RF emissions serves as a convenient source of leverage for individuals not wanting the visual impact of a communications tower in their backyard and for opportunists seeking to profit from public fears by convincing local officials to require that industry compensate third parties to monitor RF emissions as a condition of zoning approval. Such abuse of the Commission's RF rules serves only to stall deployment, needlessly increase the cost of service and shift the focus away from those citizens seeking to understand what, if any, health risks RF emissions present.

² Comments of T-Mobile USA, Inc. at 1.

³ Id. at 2.

⁴ See *Petition of Cingular Wireless L.L.C. for a Declaratory Ruling that Provisions of the Anne Arundel County Zoning Ordinance are Preempted as Impermissible Regulation of Radio Frequency Interference*, Memorandum Opinion and Order, WT Docket No. 02-100, DA 03-2196 (rel. July 7, 2003).

Recently, PCIA and several of its member companies met with Commission staff to explain how, across the whole of the nation, the Commission's RF rules are being used, and in some cases abused, to thwart infrastructure deployment. A copy of the ex parte notice is attached. It includes a Legislative Analyst Report from one of the nation's largest cities which, in PCIA's, view illustrates the nature of industry's concern. It is important to note that the effort by the city involved is a work in progress, and PCIA does not suggest that the city's efforts are anything other than well intentioned. However, the Report clearly demonstrates the scope and breadth of the examination and re-examination of the health and other effects of RF emissions by local authorities.

In this particular report, RF health-related issues are mentioned no less than fourteen times in the nine-page memo. Indeed the Report describes how the city's current rules, developed in 1996, "have attracted considerable public protest due to the high concentration of antennae in [the city] and the fear that they will reduce property value and ***harm public health.***" (Report at 1) (emphasis added). It notes how a prominent college in the city "does not currently have any wireless antennae on its buildings or grounds ... [as] the result of a breakdown in negotiations due to ***faculty and student health concerns*** as well as after hours access considerations" (Report at 6) (emphasis added). The Report describes ongoing efforts by local authorities from California and Washington State and from Florida to Massachusetts to deal with RF-related health issues. In so doing, it describes how several cities are considering prohibiting the placement of cellular towers in residential areas or permitting such placement only as a last resort. The Report concludes by recommending that, based on efforts of other planning authorities, the local planning authority consider, among other

options, “requiring wireless providers to pay for periodic scientific measurement of radiofrequency (RF) radiation and service coverage by independent consultants selected by the planning department, ... [and] include provisions to *indemnify the City from claims alleged to result from the environmental effects of RF radiation*, (Report at 8-9) (emphasis added).

As the Report points out, there are similar efforts ongoing across the whole of the nation. PCIA’s members encounter these sorts of issues on a regular basis, in large and small communities, in new build and collocation situations. It is PCIA’s hope that the Commission will use this proceeding to assuage the concerns of those seeking to understand the relationship between public health and communications infrastructure and to put an end to those situations in which the Commission’s rules are abused as a source of scare mongering.

As the Commission’s re-examination of its RF rules progresses and particularly after the Commission issues its order in this proceeding, PCIA strongly encourages the Commission to take forceful action in support of its RF rules and in support of the primacy of the FCC’s authority in enforcing these rules. At a minimum, the Commission should undertake extensive educational efforts to explain to the public and to policy makers across the nation that wireless transmitters, particularly transmitters deployed in compliance with the FCCs rules on towers and other structures removed from public access, pose no real threat to public safety. In addition, the Commission should make it clear that it will not tolerate abuse of its RF rules and will take appropriate action to ensure that its RF rules are not used to needlessly slow or increase the cost of infrastructure deployment. Such efforts, in PCIA’s view, are no less required to protect

public safety than to comply with the Commission’s statutory obligation to “make available, so far as possible, to all the people of the United States, ... a rapid, efficient, Nation-wide ... wire and radio communication service ... for the purpose[s] of national defense, ... of promoting safety of life and property through the use of wire and radio communication and ...of securing more effective communication[.]”⁵ PCIA and its members stand ready to assist the Commission in support of such an effort.

Respectively submitted

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⁵ 47 USC § 151.